

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RONALD WHITMIRE,)
Plaintiff,) Appeal No. 11-17194
vs.) 3:11-cv-00502-ECR-VPC
GARY GRAHAM, *et al.*,)
Defendants.)
/) **ORDER**

18 This is a closed prisoner civil rights action brought pursuant to 42 U.S.C. § 1983. On August
19 30, 2011, this Court dismissed this action for failure to state a claim for which relief may be granted.
20 (ECF No. 3). Judgment was entered the next day. (ECF No. 4). Plaintiff filed a notice of appeal on
21 September 13, 2011. (ECF No. 5). The United States Court of Appeals for the Ninth Circuit
22 assigned the appeal number 11-17194. (ECF No. 7).

23 On September 20, 2011, the Ninth Circuit Court of Appeals referred this matter to this Court
24 for the limited purpose of determining whether *in forma pauperis* status should continue for the
25 appeal or whether the appeal is frivolous or taken in bad faith. On careful review, this Court certifies
26 that any *in forma pauperis* appeal from its order is taken “in good faith.” *See* 28 U.S.C. § 1915(a)(3)

1 **IT IS THEREFORE ORDERED** that this Court **CERTIFIES** that the *in forma pauperis*
2 appeal from its order dated August 30, 2011 is taken “in good faith,” and as such, *in forma pauperis*
3 status should continue for the appeal.

4 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL SEND** this order to the
5 United States Court of Appeals for the Ninth Circuit.

6 Dated this 21st day of September, 2011.

Edward C. Reed.
UNITED STATES DISTRICT JUDGE